THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3817 OF 2006

DATED: 23-01-2007

BETWEEN

Devara Subbulu, W/o Late Babu,
R/o. Chinna Bethapudi Village,
Vedullapalli Bapatla Mandal,
Guntur District.

...PETITIONER

AND

The Government of A.P.,
Rep. by Director General of Police,
Andhra Pradesh, Hyderabad and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondents 4 and 5 and their men frequently visiting the house of the petitioner and calling her to the police station as illegal and arbitrary.

2. It is the case of the petitioner that her husband died long back and she was having three daughters and one son and she was eking livelihood by selling old cloths in the neighbouring villages. While so, one Vallabha Malleswari, daughter-in-law of petitioners' paternal uncle developed illegal intimacy with one K. Ravi and on questioning the same she bore grudge against the petitioner. On the instigation of said Malleswari, on 08.02.2006 the police personnel along with the fourth respondent trespassed into her house and demanded 30 sovereigns of gold and again on 09.02.2006 the constables of Chirala Police Station came along with the Sub-Inspector and

demanded the same. Again on 12.02.2006 the police came to her house and threatened to implicate her in false cases if she failed to fulfill their demand. Accordingly, she requested the higher police officials to take necessary action against the respondents but no action has been taken. It is stated that the respondents without verifying and enquiring about her livelihood, are calling her to the police station and interfering with her personal life and liberty.

3. The fourth respondent filed a counter denying all the allegations of the petitioner and stated that the petitioner was never called to the police station at any point of time and detained her. It is stated no case as such is registered against the petitioner; therefore, the question of calling her to the police station does not arise.

The allegations of the petitioner that at the instigation of one Malleswari the police personnel trespassed into her house and demanded 30 sovereigns of gold; that on 09.02.2006 the fourth respondent and the constables again visited her house and demanded the same and on 12.02.2006 they threatened to implicate her in false case; have been denied. The allegation that the fourth respondent is frequently visiting her house and directing her to attend the police station in case recovery is false and denied.

4. In view of the aforesaid categorical denial of all the allegations of the petitioner, I am of the opinion that no writ of mandamus can be issued to declare the action of the respondents 4 and 5 as illegal, as it is specifically stated that the petitioner was never called to the police station and harassed.

The writ petition is accordingly dismissed. There shall be no order as to costs.

_____

V. ESWARAIAH, J

January 23, 2007
DSK